

Dear City Council and fellow Task Force members:

The Council has asked Takoma Park's Task Force on Reimagining Public Safety to offer its recommendations about the future of our police department's K-9 unit. Most of the council has already expressed its intent to abolish the unit, with one member calling it a "vestige of past practices." While I am certain this opposition to the K-9 unit is well intentioned, I believe it overlooks significant public safety benefits that police dogs provide. I therefore recommend that the city keep its K-9 unit, but that the Task Force draft policy reforms that can mitigate the concerns that have been raised.

Overwhelmingly, the focus of the K-9 debate has been on the practice of using police dogs to apprehend (by biting and holding) suspected criminals, with only passing reference to other canine functions. For example, Takoma Park resident and Georgetown Law Professor Christy Lopez argues at length in the [Washington Post](#) that the use of "criminal apprehension" dogs must end, while briefly conceding that "there may be a place for search-and-rescue bloodhounds and explosive-sniffing dogs." Former City Council member Seth Grimes has similarly expressed that he and his group, [Takoma Park Mobilization](#), support abolition of the K-9 unit yet have [no objection](#) to dogs being used for "tracking, bomb-sniffing" and the like.

These other uses of police canines have become a footnote point in the discussion when they should instead be one of the council's principal considerations. The overwhelming majority of K-9 deployments in our town have been to track suspects, find missing evidence, and detect contraband. With rare exception, police dogs are being used for their noses, not their teeth.

By ignoring this important distinction and simply abolishing the K-9 unit altogether, we will lose out on the most important services provided by police dogs, including those offered by Kota, the one dog who is still in active service in Takoma Park and is a year away from retirement. In numerous cases, Takoma Park's K-9 units have made the critical difference in solving violent and dangerous crimes. Consider the following examples, drawn from a list of 25 significant canine deployments of Takoma Park police dogs from 2015-2020:

- In January 2020, Kota responded to the scene of a robbery in which the suspect had brandished a gun and taken the victim's cell phone and keys. Kota tracked from the crime scene and found the victim's cell phone and keys.
- In June 2019, police officers saw a serial burglary suspect flee from the crime scene but then lost him. Kota tracked from the scene and found the suspect hiding in some bushes. The suspect was arrested without canine contact.
- In June 2017, a mother who had just dropped off her children at daycare was attacked by four suspects who used a taser and attempted to carjack her. The victim fought off the suspects, who ran away. A canine tracked from the scene of the crime and found the suspects hiding behind a shed in a backyard. The suspects were apprehended without canine contact, positively identified by the victim, and arrested.

- In September 2015, a victim was stabbed in the stomach, and by the time police arrived, the perpetrator could not be found. Kota tracked from the location of the stabbing and found the suspect hiding under a flight of stairs in an alley, then found the weapon used to commit the stabbing, which the suspect had hid behind a dumpster.
- In June 2019, police officers saw a burglary suspect flee the crime scene but lost him. Kota tracked from the scene and found the suspect hiding in some bushes. The suspect was arrested without canine contact.¹

The police department reports that in addition to locating evidence and tracking suspects, its canines are frequently used to search homes after they have been burglarized, to ensure that no suspects are still inside. These searches provide homeowners with significant peace of mind and provide a safer, less invasive alternative to having armed police officers search the victims' homes.

At the very least, Takoma Park should retain its K-9 unit for the remaining year of Kota's service life and allow him to continue providing these valuable services while strictly limiting (or even altogether banning) use of the dog for apprehension. Upon Kota's retirement, the city can evaluate whether to purchase one or more new police canines. It can explore, for example, whether the department could purchase canines that are trained in tracking and detection but not apprehension. If not, the city can purchase all-purpose police dogs while continuing to strictly limit their use for apprehension.

Opponents of the K-9 unit have raised several legitimate concerns that I believe are worth addressing. Respectfully, however, I do not believe any of the critics' arguments support the abolition of the unit.

First, those supporting abolition have argued that we cannot tolerate the risk that a canine might bite an innocent person, as occurred in a disturbing 2018 incident recounted in a recent article from the [Marshall Project](#). While the risk of another accidental bite exists, that risk is remote. The 2018 incident is the only accidental bite in the nearly 30 years that Takoma Park's K-9 unit has been in operation.

Our police department reviewed the 2018 incident and found that the canine handler acted against policy by letting her dog out of the car unleashed, before the dog knew whom to apprehend. When a passerby slipped and fell next to the dog, it bit her, likely after mistaking her fall for a threatening action. The canine and its handler have since been separated from the agency, the city has reached a monetary settlement with the victim, and the department has reinforced its training to prevent anything similar from happening in the future. As

¹ Other examples include Kota tracking four suspects from the scene of a residential burglary; Kota finding a hidden vehicle compartment with a gun and \$30,000 cash; a canine finding both the items stolen and the weapon used in an armed robbery; a canine finding robbery suspects hiding five blocks from the crime scene; a canine finding the firearm used to shoot at a police officer, which was linked to the suspect by DNA; Kota finding the clothing discarded by a fleeing armed robbery suspect; and a canine finding a stolen handgun and large quantities of heroin, PCP, and cocaine.

troubling as this accident was, it appears to have been an isolated incident that the city addressed appropriately.

Currently, according to Chief DeVaul, the police department's practice is to use its one police canine for apprehension only in the rare event that the dog is needed to catch a violent felon. This practice, which the Task Force could help codify as a written policy, further diminishes the likelihood of any accidental dog bites going forward.

Second, opponents of the K-9 unit argue that using dogs to apprehend suspected criminals is brutal and rarely if ever justified. However, this argument does not support abolition of the unit so much as it supports formalizing and perhaps tightening the restrictions on canine apprehensions that Takoma Park has had in place for several years. According to the Police Executive Research Forum, several cities, such as Seattle and Washington, D.C., have written policies that limit canine apprehensions mostly to violent felonies.²

Our city could follow those jurisdictions, or it could go further. Montgomery County's Reimagining Public Safety Task Force, for example, recommended that the county "limit the use of police canines to stop or subdue a suspect only in those situations that would warrant the use of deadly or lethal force."³ Alternatively, Takoma Park could ban the use of police canines for apprehension altogether and use them only for tracking, detection, and other functions.⁴

Third, K-9 opponents have raised concerns about the dark history of police canines and about their disproportionate uses against minority citizens. There is no denying that canines have been used to enforce unjust laws and to intimidate black and brown citizens, most memorably during the Civil Rights movement. But that is so because the police, as an institution, have been used to enforce unjust laws. In the process, police officers made nefarious use of every tool at their disposal. Despite that ugly history, many of those tools have remained in use, because when used properly, they help promote safety rather than undermine it. The same is true of police canines. This is not to say that we should turn a blind eye to history. We should acknowledge the past, learn from it, and work to improve all aspects of policing, including K-9 units. If we can craft policies that ensure canines are used to help solve serious crimes and promote public safety without inflicting unnecessary harm, then we should do so.

² See, e.g., Police Executive Research Forum, *Guidance on Policies and Practices for Patrol Canines*, May 2020, <https://www.policeforum.org/assets/Canines.pdf>, at pp. 20-21.

³ Recommendations Report, available at <https://www.montgomerycountymd.gov/rps/Resources/Files/reports/rps-task-force-recommendations-report.pdf> at p. 34.

⁴ I believe a complete ban on canine apprehensions would be more restrictive than appropriate. While a canine bite is a serious use of force, it is a reasonable one if used to apprehend a murderer, rapist, or other violent offender who would pose a grave risk to the community if not immediately apprehended. I recommend that the city adopt a written policy, similar to those in Seattle and Washington, D.C., which limits canine apprehension to cases involving serious, violent felonies.

Similarly, it is disheartening, but not surprising, that the police [disproportionately use](#) canines to apprehend black suspects as compared to those of other races.⁵ For a whole host of societal reasons, including institutional racism, the police have long had a disproportionate number of encounters with minority residents.⁶ Here too, I believe the answer is to improve police departments (and their K-9 units) rather than abolish them. Properly regulated K-9 units will improve safety for all of Takoma Park's residents, including its black and brown ones.

Fourth, some argue that there is no reason for Takoma Park to retain a K-9 unit because it can call upon outside agencies for canine assistance when needed. But police canines are either a legitimate, important law enforcement tool, or they are not. If they are, we should equip our officers with that tool. If they are not, we should resolve never to call on other agencies to bring their canines into our city. It would be inappropriate for Takoma Park to abolish its unit and rely on outside agencies simply to save money,⁷ or to signal one thing while doing another. It is true that with only one canine, the city will sometimes need to call upon outside agencies because a K-9 unit is needed and our own is unavailable. But when our own K-9 unit is on duty, it also stands ready to assist neighboring agencies. Retaining at least one K-9 unit will allow us to honor the spirit of the cooperative agreements we have in place with neighboring law enforcement agencies by providing assistance when we are able and requesting it when we need it.

In sum, I think it would be a mistake for the city to defund its K-9 unit, which has contributed significantly to public safety over the years. With the Task Force's input, the city can craft policies that will address the concerns that critics of the unit have raised, and which will allow the unit to continue its important work.

Respectfully,

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⁵ One study showed that 42% of patients brought to the hospital due to police canine bites were black, even though blacks constitute only 13% of the overall population. Randall T. Loder, Cory Meixner, The demographics of dog bites due to K-9 (legal intervention) in the United States, *Journal of Forensic and Legal Medicine*, Volume 65, 2019.

⁶ According to the FBI's National Incident-Based Reporting System, in 2019, 45% of known violent offenders were black, and 35% of victims of violent crime were black. See <https://crime-data-explorer.app.cloud.gov/#>.

⁷ The money that would be saved by abolishing the unit seems relatively insignificant. The cost of maintaining the unit is about \$10,000 a year, which is approximately 0.03% of the city's \$35M annual budget.